

June 3, 2025

By ECF

Hon. Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *American Civil Liberties Union Foundation v. U.S. Immigration and Customs Enforcement*, No. 24 Civ. 7183 (VEC)

Dear Judge Caproni:

This Office represents Defendant U.S. Immigration and Customs Enforcement (“ICE”) in the above-named action. Plaintiff American Civil Liberties Union Foundation (“ACLU”) brings suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). The parties respectfully submit a joint status update, in accordance with the Court’s order of April 23, 2025, ECF No. 32.

As discussed in previous status reports, ICE made three productions of responsive, non-exempt records in this case: on November 14, 2024, December 10, 2024, and January 15, 2025. Following those productions, Plaintiff requested further information about ICE’s productions and, in particular, challenged the basis for certain withholdings and inquired whether ICE would release certain previously withheld information. ICE agreed to withdraw its assertion that Exemption (b)(3) applied to information responsive to Part 1 of Plaintiff’s first FOIA request and to Plaintiff’s second FOIA request; however, because ICE had also redacted the same information pursuant to Exemption (b)(4), ICE’s withdrawal of the (b)(3) redactions did not result in the release of any additional information. Nonetheless, on April 1, 2025, ICE re-produced to Plaintiff the documents with the revised exemptions. Additionally, with respect to Exemption (b)(4), ICE agreed to review and reconsider the (b)(4) redactions in all of its productions to assess whether there might be grounds for a discretionary release of any information previously withheld. On April 1, ICE made a discretionary release of 253 pages of re-processed records.

On April 14, 2025, the parties met and conferred regarding next steps in resolving this case. ICE agreed to re-process and release certain pages of its April 1 release and, on April 29, 2025, following re-processing, ICE produced 27 additional pages from the April 1 release. Additionally, on April 17, 2025, ICE produced to Plaintiff a *Vaughn* index for a sample of ten redactions that Plaintiff had selected.

Plaintiff has since identified additional potentially responsive records regarding solicitations to establish an ICE detention facility at Delaney Hall in Newark, NJ, which were withheld in full from the December 10, 2024, production. ICE has agreed to re-review 62 pages that relate to Delaney Hall and were withheld in full from the December production, which will include issuing a submitter notice. ICE will make a production of any re-processed, non-exempt records from this set by July 16, 2025.

The parties propose the submission of another joint status letter on or before July 30, 2025, to further update the Court on their progress. We thank the Court for its consideration of this matter.

Respectfully submitted,

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